

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RENEE A. PAYNE,

Plaintiff

v.

C-1-05-247

CIGNA GROUP INSURANCE,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 5) to which neither party has objected.

REPORT AND RECOMMENDATION

Plaintiff brings this case *pro se* alleging that defendant Cigna Insurance Group has denied her claim for short term disability benefits. (See doc. 2).

On April 12, 2005, the Court entered an Order allowing plaintiff to proceed without pre-payment of fees as authorized by 28 U.S.C. § 1915(a)(1). (Doc. 3). The Court also ordered plaintiff to show cause, within thirty days of the date of the Order, why this case should not be dismissed for lack of jurisdiction pursuant to 28 U.S.C. § 1915(e)(2)(B). **See, e.g., Apple v. Glenn**, 183 F.3d 477, 479 (6th Cir. 1999) (holding that a district court may *sua sponte* dismiss a complaint where the district court has determined that it lacks subject matter jurisdiction), **cert. denied**, 528 U.S. 1198 (2000). **See also Hagans v. Lavine**, 415 U.S. 528, 536-37 (1974).

Plaintiff has not responded to the Court's Order to show cause and has not filed any Motion, Memoranda, or other paper in this case since she filed her Complaint.

Although the Court prefers to adjudicate cases on their merits, district courts have the inherent power to *sua sponte* dismiss civil actions for want of prosecution to "manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R.*, 370 U.S. 626, 630-31 (1962). Failure of a party to respond to an Order of the Court warrants invocation of the Court's inherent power. See Fed. R. Civ. P. 41(b).

IT IS THEREFORE RECOMMENDED THAT plaintiff's complaint (doc. 2) be **DISMISSED without prejudice** for lack of jurisdiction or, in the alternative, for lack of prosecution pursuant to Fed. R. Civ. P. 41(b), and that this case be **CLOSED**.

CONCLUSION

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by plaintiff, this Court accepts the Report as uncontroverted.

The Report and Recommendation of the United States Magistrate Judge (doc. no. 5) is hereby **ADOPTED**. This case is **DISMISSED WITHOUT PREJUDICE AND TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court